

1 DANIEL G. BOGDEN
2 United States Attorney
3 District of Nevada
4 ROGER W. WENTHE
5 Assistant United States Attorney
6 Nevada Bar No. 8920
7 333 Las Vegas Blvd. So., #5000
8 Las Vegas, Nevada 89101
9 Ph: (702) 388-6336
10 Fax: (702) 388-6787

11 Attorneys for United States.

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14
15 UNITED STATES OF AMERICA,)
16 v.) Case No. 2:08-CR-108-KJD-LRL
17 HOWARD J. AWAND,)
18 Defendant.)
19
20 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**
21 **UNITED STATES' MOTION FOR EXPEDITED HEARING**

22 The Government has filed a motion in this matter requesting the appointment of a
23 Receiver for the assets of judgment debtors Howard and Linda Awand. The Government hereby
24 requests an expedited hearing on that motion, to prevent a change in the status quo.

25 One of the more substantial assets owned by the Awands is a bed and breakfast in Stowe,
26 Vermont (the Stowe Property). The Stowe Property is currently estimated to be worth
approximately \$1 million. Several entities have perfected liens on the Stowe Property, including
a first mortgage lender and the United States.

The Awands, however, have shown no interest in preserving this asset for the benefit of
their creditors and have created an urgent need for the Court to preserve this asset. On October
14, 2010, attorneys representing the municipal authorities in Stowe, Vermont sent a letter to the

1 Awands and certain secured creditors of the Awands, advising that the real estate taxes on the
2 Stowe Property are seriously delinquent, and that if they remain unpaid, the Stowe Property will
3 be sold on November 29, 2010 in a tax sale. This sale would have a serious impact on the
4 security interests which various parties hold on the Stowe Property.

5 On October 20, 2010, counsel for the Government sent a letter to the Awands' legal
6 counsel, requesting an assurance that the delinquent taxes would be paid and the tax sale would
7 be avoided. (A copy of this letter is attached hereto as Exhibit A.) The Awands' counsel
8 responded that the Awands would not pay the delinquent taxes and would permit the Stowe
9 Property to be sold at a tax sale. (A copy of the letter confirming this communication is attached
10 hereto as Exhibit B.)

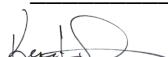
11 The preservation and conservation of the Awands' assets, which is the purpose for the
12 Government's Motion to Appoint Receiver, will be frustrated if the Court delays appointing the
13 Receiver until after the scheduled tax sale is held. Therefore, the Government requests that an
14 expedited hearing on its motion be set, for a date no later than November 22, 2010. This
15 schedule will not adversely impact any of the parties who are receiving notice of these motions,
16 because they are receiving notice of this motion at least ten days in advance of the proposed
17 hearing, as required by Local Rule 66-2.

18 Dated: November 4, 2010

19 DANIEL G. BOGDEN
20 United States Attorney

21 By /s/ Roger Wenthe
22 ROGER W. WENTHE
23 Assistant United States Attorney

24 IT IS HEREBY ORDERED that the United States' Motion to Appoint Receiver is set for
25 hearing on 11/16, 2010, at 9 a.m..

26 
United States District/Magistrate Judge

Date: November 4, 2010